

<b>PRE-APPEAL BRIEF REQUEST FOR REVIEW</b>		Docket Number (Optional) RN023 (2635-020-03)			
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	First Named Inventor Shawn Scotzin				
	Art Unit  2614	Examiner  Andrew C. Flanders			
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <table style="width: 100%; border: none;"><tr><td style="width: 50%; vertical-align: top; padding: 5px;"><input type="checkbox"/> applicant/inventor.  <input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)  <input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>43,990</u>  <input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____</td><td style="width: 50%; vertical-align: top; padding: 5px; text-align: center;"><u>/CAWiklof/</u> _____ Signature Christopher A. Wiklof _____ Typed or printed name  (425) 455-5575 _____ Telephone number  4/30/2009 _____ Date</td></tr></table> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p>				<input type="checkbox"/> applicant/inventor.  <input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)  <input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>43,990</u>  <input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____	<u>/CAWiklof/</u> _____ Signature Christopher A. Wiklof _____ Typed or printed name  (425) 455-5575 _____ Telephone number  4/30/2009 _____ Date
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<input checked="" type="checkbox"/> *Total of <u>1</u> forms are submitted.					

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s) : Shawn Scotzin et al. Confirmation No. : 8286  
Application No. : 09/550,545 Group Art Unit : 2614  
Filing Date : April 14, 2000 Examiner : Andrew C. Flanders  
Docket No. : RN023 (2635-020-03) Customer No. : 72455  
Title : **SYSTEM AND METHOD OF PROVIDING MUSIC ITEMS TO MUSIC RENDERERS**

**PRE-APPEAL BRIEF**

Applicant's agent requests the Review Panel to reconsider the application in view of this communication. Claims 91-110 are pending. Claims 91-110 are rejected.

**Rejection of claims 91-110 under 35 U.S.C. § 103(a) Over Lau et al. (U.S. Patent No. 6,772,212) In View Of Li et al. (U.S. Patent No. 6,345,279)**

**Claim 91**

Claim 91 recites, in part, an electronic device that "display[s] a graphical user interface that includes a hierarchical library tree that graphically depicts a music renderer node and a music item node," and responsive to a GUI command "determines whether the format of the corresponding music track is compatible with the corresponding music renderer such that the music renderer can render music from the music track, [and] in response to a determination that the format is not compatible with the music renderer, reformats the music track to a format that is compatible with the music renderer."

Lau discloses a graphical user interface. Li discloses an approach to transcoding. However, Li approaches transcoding differently and with poorer storage efficiency compared to the recitation of claim 91.

**37 CFR §1.8  
CERTIFICATE OF TRANSMISSION**

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/Renise Fung/  
Renise Fung

April 30, 2009  
Date

Li discloses saving media files in an “InfoPyramid” 280, depicted in Li, FIG. 2. “The InfoPyramid 280 can be viewed as a generalization of multi-resolution representations. . . The InfoPyramid 280 is a data structure in which the multiple representations of a multimedia item can be organized into a pyramid-like structure, as illustrated in FIG. 2. The cells of the pyramid correspond to different representations of the objects using different modalities . . . and fidelities such as in the range of full-resolution (bottom of pyramid) to low-resolution (top of pyramid).” [column 4, lines 50 to 66]

Li, FIG. 3 illustrates a flow chart showing adaptation of a multimedia document to a client device. “Content items 120 of a multimedia document 100 are transcoded (250) into multiple modality and fidelity versions to generate a set 340 of InfoPyramids 280.” [column 5, line 67 to column 6, line 2] “A content adaptation process 350 uses the client profile 310 to select from among the InfoPyramids 280 the versions 374 that best satisfy the particular client profile. These selected versions are rendered into a document 370 which is an adaptation (i.e., customization) of the original multimedia document 100. The client device receives the customized document 370.” [column 6, lines 42-48]

Thus, Li’s “content adaptation process” does not include “in response to a determination that the format is not compatible with the music renderer, reformat[ting] the music track to a format that is compatible with the music renderer,” as recited by claim 91. Rather, Li first saves a music track into an “InfoPyramid” that includes multiple fidelities and modalities. Then (presumably in response to a request to transfer the track to a particular client device) Li selects, for example, from among the multiple fidelities a fidelity that is compatible with the client device, if any.

Li’s approach to saving multiple fidelities and multiple modalities of multimedia objects apparently results in redundant storage of similar objects at different fidelities. This is counter to a stated embodiment of the present application “the system should automatically transform the music from its form at the source to a format which is required by the destination.” [page 2, lines 19-21]

Since Lau apparently does not disclose transcoding at all, the combination of Lau and Li is similarly limited in that the only way disclosed to load a media file to a media player is to first save the information in an “InfoPyramid”, and then select from among multiple fidelities and modalities for loading to the media player. Lau and Li, alone and

in combination, fail to disclose or reasonably suggest “in response to a determination that the format is not compatible with the music renderer, reformat[ing] the music track to a format that is compatible with the music renderer,” as recited by claim 91.

Accordingly, Lau and Li, alone and in combination, fail to disclose or reasonably suggest all the limitations of claim 91, and claim 91 is allowable over Lau and Li.

#### **Claims 92-95, 102-104**

Claims 92-95 and 102-104 are allowable by virtue of their dependence from claim 91, and for at least the reasons given for claim 91.

#### **Claim 96**

Claim 96 recites a method including “in response to a determination that the format is not compatible with the music renderer, reformatting the music track to a format that is compatible with the music renderer.”

Claim 96 is allowable over Lau and Li for reasons similar to those given for claim 91. Namely, the combination of Lau and Li discloses first saving multimedia objects in an “InfoPyramid” that includes multiple fidelities and multiple modalities. Then, during a “content adaptation process” one of a plurality of cells from the InfoPyramid is selected for downloading to an end device.

This is different than the recitation of claim 96, wherein the music track is reformatted. [emphasis added] Moreover, it is different than the recitation of claim 96 wherein the reformatting of the music track is made in response to a determination that the format is not compatible with the music renderer. [emphasis added]

As with the explanation under claim 91, above, Li’s approach to saving multiple fidelities and multiple modalities of multimedia objects apparently results in redundant storage of similar objects at different fidelities. This is counter to a stated embodiment of the present application “the system should automatically transform the music from its form at the source to a format which is required by the destination.” [page 2, lines 19-21]

Accordingly, Lau and Li, alone and in combination, fail to disclose or reasonably suggest all the limitations of claim 96, and claim 96 is allowable over Lau and Li.

#### **Claims 97-100, 105-108**

Claims 97-100 and 105-108 are allowable by virtue of their dependence from claim 96 and for at least the reasons given for claim 96.

### **Claim 101**

Claim 101 recites, in part, a computer-readable storage medium storing a program that, when executed by a computer, causes the computer to “display a graphical user interface that includes a hierarchical library tree that graphically depicts a music renderer node and a music item node,” and responsive to a GUI command “determine whether the format of the corresponding music track is compatible with the corresponding music renderer such that the music renderer can render music from the music track, [and] in response to a determination that the format is not compatible with the music renderer, reformat the music track to a format that is compatible with the music renderer.”

Claim 101 is allowable for reasons similar to those given for claim 91. In particular, Lau and Li, alone and in combination, fail to disclose or reasonably suggest “in response to a determination that the format is not compatible with the music renderer, reformat[ing] the music track to a format that is compatible with the music renderer,” as recited by claim 101.

Accordingly, Lau and Li, alone and in combination, fail to disclose or reasonably suggest all the limitations of claim 101, and claim 101 is allowable over Lau and Li.

### **Claims 109-110**

Claims 109-110 are allowable by virtue of their dependence from claim 101 and for at least the reasons given for claim 101.

For reasons described above, the claims are now in condition for allowance,  
which is earnestly solicited.

DATED this 30<sup>th</sup> day of April, 2009.

Respectfully submitted,

/CAWiklof/

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